

MINUTES

CRIMINAL & JUVENILE JUSTICE INFORMATION ADVISORY GROUP MEETING MINUTES

December 2, 2016
9:00 AM -11:00 AM
Room W249, MN Bureau of Criminal Apprehension

Attendees

Advisory Group Members/Proxies:	Organization
Arrowsmith DeCoux, Jay	League of MN Cities
Bakke, Spencer	Hennepin County Sheriff's Office
Beaumaster, Paul	Dakota County Attorney's Office
Beyer-Kropuenske, Laurie	Department of Administration
Bodie, Marv	Minnesota Assn. of Counties
Buker, Dean A.	Minnesota Judicial Branch - ITD
Conklin, Shana	League of MN Cities
Diamond, Patrick	10 th Judicial District
Duncan, Rick	Minnesota Sheriff's Association
Fawcett, Terry	Minnesota Assn. of Counties
Galili, Oded	Bureau of Criminal Apprehension
Gerlicher, Cari	MN Chiefs of Police Association
Gullerud, Tracy	Minnesota Assn for Court Management
Holmgren, Steve	1st Judicial District
Hoyle, Kathleen	Minnesota Board of Public Defense
Ilkka, Richard	10 th Judicial District
Johnson, Brian	Minnesota House of Representatives
Kerschner, Deb	Department of Corrections
Khan, Safia	Minnesota Coalition for Battered Women
Lang, Paula	Minnesota Assn for Court Management
MacMillan, Tim	Isanti County Probation

Advisory Group Members/Proxies:	Organization
Miller, David	Attorney General's Office
Ostrem, Mark	Olmsted County Attorney
Pal-Freeman, Bill on behalf of Thomas Baden	MN.IT
Reitz, Nate	MN Sentencing Guidelines Commission
Schmidt, Amy	League of MN Cities
Smith, Rick	Washington County Probation
Wierimaa, Jodie on behalf of Jeff Johnson	Hennepin County District 7
Interested Parties:	Organization
Bibus, Beth	Management Analysis & Development
Jaszewski, Karen	State Court Administrator's Office
Kuisle, Peggy	State Court Administrator's Office
Neumeister, Rich	Public
Weeks, Kate	DPS
DPS/BCA:	Organization
Engler, Katie	BCA
Evans, Drew	BCA
Gotz, Dana	BCA
Oliveira, Jill	BCA
Schiller, Karen	BCA
Schoen, Paul	BCA

Introductory Items

Dana Gotz, called the meeting to order and welcomed everyone. For the benefit of the new members, she provided a brief background on how the new Criminal and Juvenile Justice Information Advisory Group (Advisory Group) was formed. After roundtable introductions were made, Dana introduced Rich Neumeister, a former member of the Criminal and Juvenile Justice Information Task Force (Task Force), who was attending today's meeting to deliver some farewell comments.

Rich began by providing a brief history on how the Criminal and Juvenile Justice Information Policy Group (Policy Group), and the Task Force, were established in 1994. He continued by sharing some historical background on the work these groups achieved toward the progression of criminal justice information integration throughout Minnesota. He believes that within the new Advisory Group, the discussions around criminal justice information data sharing and privacy will

continue because of its importance. He then concluded by expressing his gratitude for the opportunity to serve on the Task Force.

Dana stated that for those members who were new to the group, the *Path to Integration* is available and provides an easy-to-read historical background on the two former groups.

She reported that there were three vacancies (yet to be filled) from the public sector under the Governor's appointment process. She stated that she has reviewed a number of applications seeking to fill those appointments; and has given her recommendations; but has not heard back on those yet. In addition, she reported that the Minnesota Senate has not appointed anyone. She anticipates these appointments will be made in the coming months.

Elections

Dana stated that she did not receive any responses to her email request for nominations to fill the Chair, First Vice Chair, and Second Vice Chair, leadership team positions. As she previously explained (in her email) in forming this new group; they have the new statute, but they do not have any bylaws or guidelines. In lieu of nominations, she recruited Deb Kerschner, to be the designated Chair; Amy Schmidt, to be the designated First Vice Chair; and Steve Washburn, to be the designated Second Vice Chair; as they previously served as members on the Policy Group and/or Task Force. She hopes their prior experience will provide some continuity moving forward; and has proposed a one year commitment to them; in order to get the new group up and running. She directed the members to the Candidate Biographies for Leadership Team handout in their packets; and went over the background information for each of the candidates with them. After reviewing the handout with the members, she asked for a motion to move the slated candidates to the designated positions. A motion was made and seconded. Dana asked for any discussion and there was no discussion. A vote was taken. **The motion carried.** Dana then turned the chair over to Deb Kerschner for the remainder of the meeting.

On behalf of those who were new the group, Deb explained how the two former groups worked (for about a year) on a strategic plan. One of their strategic efforts led to the legislation of forming one group (merging the two), in order to create more efficiency and effectiveness in government. She continued that an additional part of the strategic process, was for them to identify the key topics viewed as important by Minnesota stakeholders in criminal justice for them to work on. The topics they identified were: Data Practices; Collaborative Relationships & Funding; Data & Identification Standards; and Innovation & Education (which is currently on hold). She then turned the floor over to Laurie Beyer-Kropuenske, the Data Practices Subcommittee chairperson, for an update.

Data Practices Subcommittee Update

Laurie began by providing a brief background on how the (data practices) movement began. She stated that their workgroup needed to develop a research strategy, in order to find out how both the criminal justice community and the public felt about data practices. This led to contracting Management Analysis and Development (MAD), a division of Minnesota Management and Budget (MMB), to help them create a research strategy; and provide them with direction on composing questions that would gain the criminal justice perspectives in a neutral way. They approached this part (Part 1) of their research by forming a team of criminal justice practitioners (who would volunteer) to interview peers outside of their professional field to find out what was working and what wasn't working. Secondly, they wanted to conduct an environmental scan (Part 2) across the country, to find out if there was any research or focus groups or surveys around citizen's expectations of privacy as it relates to criminal justice information. They were fortunate enough to have this done by University of Minnesota Humphrey Capstone students this summer. Finally, they purchased several questions to include on the University of Minnesota's statewide survey

(Part 3) in order to gauge what Minnesotans think about privacy; and how they feel about their data being shared with both the criminal justice community and the public.

She then introduced, Beth Bibus, the Assistant Director of MAD, to talk through the work that has been completed by the workgroup. Beth stated that the Data Practices workgroup asked MAD to help them create a credible research process for the work they wanted to do. She explained the three-part research strategy they designed and she continued by sharing what they learned through the 43 interviews that were conducted (under Part 1).

Three-part research strategy

- Part 1 Conduct 30-40 Interviews of criminal justice professionals of “Current Challenges/Opportunities” (what works, what doesn’t work)
- Part 2 Environmental Scan by University of Minnesota Humphrey Capstone students
- Part 3 Develop 2-4 questions for inclusion in the University of Minnesota’s Metropolitan & Statewide Survey of Residents related to citizen expectation of privacy related to criminal justice data, including concern about sharing among criminal justice professionals and the public.

Interviews: Methods and project design

- Management Analysis & Development (MAD) and workgroup members developed interview questions
- 43 interviews from April to June 2016

Category	Interviews
Crime Victim Services/ Crime Prevention	8
Law Enforcement	8
Probation/Parole	9
Prosecution	9
Public Defenders	9
Total	43

- MAD analyzed interview data to identify themes and insights, discussed findings with workgroup
- Findings are described qualitatively (*many, several, a few*)

What’s working well?

- Data is generally shared or protected properly (*many interviewees*)
- Practitioners can get the data they need (*more than a third*)
- Parts of the law are clear (*about a fourth*)
- Useful databases exist (*about a fourth*)
- IPAD is a useful resource (website, videos, advisory opinions, staff) (*about a fourth*)
- Improved cross-agency, cross-discipline work (*several*)
- Nothing or almost nothing is working well (*a few*)

Challenges with current data practices

- Administrative challenges, particularly staff time and resources (*many interviewees*)
- Inconsistent interpretation of the law (*about half*)
- Information doesn’t “flow” within the system (*about half*)
- Complexity in the law, many variables and exceptions (*about half*)
 - Problematic definitions or data types
 - Intersections of criminal court procedures and data practices
 - Juvenile justice data
 - Complexity in data release decisions
- Negative outcomes to releasing data (*about a third*)

- Fear of mistakes, fear of lawsuits (*about a fourth*)
- Prosecutors determine access (*several*)

Identified potential improvements

- Additional training or resources for government entities, (*about half of interviewees*)
- Consistent interpretation of existing law (more than a third)
- Database or computer system changes, such as automated security features, a central database, and consistent access (*about a fourth*)
- Fees to access data or additional agency funding to offset costs of preparing data (*less than a fourth*)
- More education and involvement for the general public (*several*)

Potential statute changes

- Simplify or clarify the law (*close to half of interviewees*)
- Better address juvenile justice data (*several interviewees*)
- Examine impact of technology on data practices (*several*)
- Change law so less data is released (*several*)
- Better address victim protection and access to data (*a few*)

Concerns about potential changes

- Too much public access (*more than a third of interviewees*)
- Additional problems for practitioners (*about a fourth*)

Regarding the potential statute changes (listed above), Beth explained that this wasn't specifically on the survey but came up organically and that the interviewees understood the challenges and complexity around the legislation to implement any changes. She then opened the discussion for questions. The members had some specific questions about who was being represented in the survey; and also shared some of the issues (listed below) to consider as they move forward.

- Training that is consistent across the board
- Information Policy Analysis Division (IPAD) to be empowered (or other entity) as the delegated authority to address guideline gaps
- Cost (to agencies) to store all the data
- Cost to tax payers to store the same data in several different places
- Inconsistencies in the way data is distributed by different sectors of the government
- Data is being used against adults coming out of incarceration who are trying to get jobs/housing
- Data harvesters
- Transparency policies

Beth opened it up for further discussion with questions that she composed before the meeting:

- Do these perspectives align with what you've heard or experienced?
- What (if anything) surprised you about these perspectives?

The members did not have anything further to discuss regarding her questions. She then asked the members to reflect on the following question and share their ideas (captured below):

Thinking about the challenges and opportunities described here, what actions would you recommend? (Suggested focus for this discussion: actions that do not require legislative changes)

- Track staff time – know how much time we spend on activities like redaction and separation. Purpose: to give data to legislature and improve our own procedures
- Ideas related to storing data:
 - Develop a centralized repository for data (i.e.; bodycam data). This could be county by county. An existing example of a similar approach: fingerprint data
 - Alternatively, develop an easy way to ping separate databases to obtain data

- Consider other examples of uniform systems, such as Minnesota's ARMER system
- Develop a more uniform schedule & guidance on records retention and destruction.
- Bring private sector (ex: vendors) into discussions about a data repository
- Examine the issue of a centralized (or regionalized) data repository more carefully [this idea was flagged as a key topic for later discussion]
- Direct the AGO to develop policies and training on how to disseminate data. They would train county attorneys, who would then train other local officials.
- Identify a way to ensure compliance in conducting training [this idea was flagged as a key topic for later discussion]
- Examine/develop consistent e-filing practice for law enforcement
- Consider training using technology (ex: webinars). This can reduce cost.
- Identify who is doing training on data practices in MN – help ensure consistency
- More allowance for sharing data across common clients—a statute change or a training/interpretation emphasis
- Develop a handbook and/or cheat sheet(s). [Comments that LMC & IPAD have existing resources]

Deb asked if there were any other questions and there were none. She then turned the floor over to Amy Schmidt, the Collaborative Relationships and Funding chairperson, for an update.

Collaborative Relationships and Funding Update

Amy stated that following the last Task Force meeting, there were no updates to report. She stated that the Task Force had reviewed and approved three project initiatives for funding; but the Policy Group dissolved before those initiatives could be reviewed by them. Since the review (that was done by the Task Force), the MN Counties Computer Cooperative (MCCC)/Dept. of Corrections (DOC) initiative was withdrawn; nothing had been done with the MN County Attorneys Association/Board of Public Defense initiative; and the BCA's Predatory Offender Registry (POR) database initiative was forwarded through the Dept. of Public Safety process and is still being considered. Kathy Hoyle reported that Public Defense did not request the funding, as it was their understanding that the money would not come out of their budget. Dana explained that historically, over the last ten years the funding has to go through the agency it ties to. The members discussed the issues involved with competing agency funding requests. They then determined to have this subcommittee look into more tangible ways to request funding and come back to this group with a recommendation. Amy then stated that their subcommittee currently consists of her, Dana, and Paul Beaumaster, and asked the members to let Dana know if they wanted to join them in their efforts. Amy continued that another part of their effort is to work on the branding for the Advisory Group. Dana added (for the new members), that Jill Oliveira, the BCA's Public Information Officer, attends these meetings and writes a one or two-page summary of the meetings, titled the *Advisory Group Extra*. Her (Jill's) summary is composed in an article style and is distributed to the members to be forwarded on to their organizations/memberships, as a way to communicate the work that this group is doing. Dana stated that this subcommittee is also looking into other strategies to improve communication about this group.

Data and Identification Standards

Oded Galili stated that his presentation today, is the same presentation that was made at the last Task Force meeting, and was intended to be followed by a presentation to the Policy Group. He further explained that this subcommittee was formed out their strategic plan to address the challenges around data and identification integrity. Dana added that the goal today is to understand the issues of this topic for future discussions and decisions. As Oded went through the presentation he explained the issues; challenges; and recommendations that this subcommittee worked on.

The Task

- From the Task Force's Identified Strategies
 - Establish uniform criminal justice data
 - Accurate identification standards

When Identification Goes Wrong

- When A uses B's name and DOB (usually a relative) then B is charged with a crime
- If B does not know she was charged and does not appear for court a warrant is issued for B
- B is arrested the next time she has any contact with the police
- Even when the situation is fixed B has the charge on her record and she is forever linked to that case and A's criminal record and identification

The Issue(s)

- Wrong identification leads to
 - Attaching a criminal history to the wrong person
 - Issuing warrants for the wrong person
 - Arresting the wrong person
- Time and resources to untangle the person and the wrong identification – who actually committed the crime?
- Clearing your (wrong) criminal history

Our Understanding

- Determine a common method to identify a person (having a complete record tied to the person – not having multiple “persons” which are actually the same one person).
- Data quality, ability to correctly identify offenses and the person(s) associated with those offences.
- Information is moved between systems in order to prevent errors

The Team and the Process

- Team
 - Judge
 - Chief Law Enforcement Officer
 - Public Defender
 - Data Integrator
- Process
 - Meetings and open discussions around real-life scenarios and their outcomes

What is Identification?

- From Merriam – Webster:
 - The act of finding out who someone is or what something is: the act of identifying someone or something
 - Something that shows who a person is: a document, card, etc., that has your name and other information about you and that often includes your photograph

Current Identification Process

- CURRENTLY Depends when we identify (“level” of encounter)
 - Citation/misdemeanor Name/DOB;
 - Name/DOB, Photo;
 - Felony Name/DOB, Photo, Fingerprint; DNA

Identification Process Consideration₁

- Depends when we identify (“level” of encounter)
 - Name/DOB;

- Name/DOB, Photo
- Name/DOB/ Photo, Fingerprint; DNA

- Ideas the team discussed
 - Minimum requirements to identify a person
 - More than just a name/DOB
 - Fingerprints/retinal scans/DNA/Rapid DNA/Facial recognition
 - DNA in the future for identification vs. just resolving a crime

Identification Process Consideration₂

- Ideas the team discussed
 - Practicality – we will not obtain a fingerprint of every person in contact with police
 - Fingerprint identification should be after a decision to take action
 - Follow 299c.10

Identification Process Consideration₃

- Reliable method(s) for identification
 - Name and DOB is not sufficient; we would like at least to attach a photo (captured at the point of issuing a citation)
 - We prefer fingerprint (for all misdemeanors and above)
 - For misdemeanors (when a citation was issued) – photo at issuance, fingerprints at conviction
 - Keep process of felony name/DOB/fingerprints/proto at charge and DNA at conviction (no changes suggested)

Recommendations to the Task Force

- Vetting process with advocacy groups and the public – a few options
 - Presentations on the pros and cons of photos as first-line of criminal process identification
 - Publish the recommendations for public comments on a website
- Collecting feedback and creating final recommendations
- Singular or highly integrated Criminal Justice System

Final Comment

- Outcome: “ The Right Information, To the Right People, At the Right Time”
- A correct identification at the beginning of the criminal justice process will solve many current issues.

Oded concluded the presentation by stating that after the completion of this work the subcommittee dissolved itself. Dana added that their recommendation (in the last Task Force meeting) was for a new group to be formed to continue to work on the next steps. The members decided to plan for further discussion on this topic at the next meeting, and in the meantime would begin solicitation of interested members to form the new group.

Next Steps

Dana stated that the next step would be to decide when to schedule the next meeting of the Advisory Group. She added that the two former groups met quarterly; (and based on the previous structure) asked the members if they wanted to schedule another meeting in three months (which would be early March). A member asked if the chairs along with interested members, could put together a draft of bylaws before the next meeting. Deb responded yes; and asked members to notify Dana by emailing her at: dana.gotz@state.mn.us, if they were interested in helping the chairs compose a bylaws draft.

A member recommended that they keep the current organizational status in place until the bylaws are in place and the members agreed. A motion was made to keep the current organizational status of the three (Data Practices; Collaborative Relationships & Funding; Data & Identification Standards) subcommittees and the respective chairs in place, until the bylaws are finalized and the next steps have been determined. The motion was seconded. Deb asked if there was any discussion and there was none. A vote was taken. **The motion carried.** Members asked for information about the subcommittees, including the chair contact be distributed to them. Deb stated that Dana will distribute an email to the members with information about the three subcommittees and the chair's email information.

Dana added that another carry forward committee on civil commitment had made recommendations at the last Task Force meeting, and will be on the next Advisory Group meeting agenda for discussion. Amy asked if the Electronic Exchange Delivery Team, relating to the Public Defenders' new discovery system will continue and Kathy Hoyle responded yes.

Deb asked if there was any other discussion. Due to the upcoming legislative meeting, the members discussed scheduling the meeting sooner than March, and determined to schedule a meeting by the end of February. Deb then asked if there was no further discussion, she would entertain a motion to adjourn. A motion was made and seconded. A vote was taken. **The motion carried.**

Next Meeting:

February 2017 – Date TBD

The meeting adjourned.